

**STATE OF VERMONT
BOARD OF MEDICAL PRACTICE**

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| In Re: |) | MPC 15-0203 | MPC 110-0803 |
| |) | MPC 208-1003 | MPC 163-0803 |
| |) | MPC 148-0803 | MPC 126-0803 |
| |) | MPC 106-0803 | MPC 209-1003 |
| David S. Chase |) | MPC 140-0803 | MPC 89-0703 |
| |) | MPC 122-0803 | MPC 90-0703 |
| Respondent |) | | MPC 87-0703 |

**MEMORANDUM IN OPPOSITION TO RESPONDENT'S MOTION TO
ENDORSE CONSENT ORDER**

Respondent David Chase ("Respondent") has moved the Board to endorse a "consent order" requiring that Respondent not practice medicine until the resolution of the Superceding Specification of Charges. The State has no objection to the Board entering an order to that effect and submits its own proposed order for the Board's consideration. However, The State opposes the endorsement of the order proposed by Respondent.

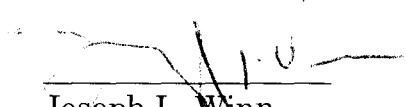
As correctly stated by Respondent in his memorandum, the State and Respondent attempted to resolve this matter by stipulation. However, Respondent overstates the nature of the disagreement regarding language proposed by Respondent. In the end, the only disagreement between the State and Respondent was Respondent's insistence that the stipulation contain the phrase "in order to promote public confidence in the integrity of the profession" to explain Respondent's motive for entering into the Stipulation. This language is similar to Paragraph 3 of Respondent's "consent order."

The State could not agree to the language. A stipulation reflects the agreement of the parties. The State has no way of knowing if in fact the Respondent's motivation for entering into the agreement is "in order to promote public confidence in the integrity of the profession." More importantly the State has filed 136 counts of unprofessional conduct and sought summary suspension that the Board, at first, granted. The State's allegations against Respondent are inconsistent with the assertion that Respondent's motive for entering into a stipulation was "in order to promote public confidence in the integrity of the profession." The State, therefore, could not agree to the proposed language.

The Board should not endorse the order proposed by Respondent. A Board order should not contain lofty testimonials regarding the Respondent or the State in a particular proceeding. The Board should simply issue an objective order outlining the terms and conditions of the order. The State submits a proposed order for the Board's consideration. However, the Board, of course, is free to devise its own order, without reference to Respondent or the State, based on Respondent's representation he will submit to Board order precluding him from engaging in the practice of medicine. The Respondent's motion for endorsement of the consent order proposed by Respondent must be **DENIED**. However, the Board should issue its own order based on Respondent's representation that he will submit to a Board order to not engage in the practice of medicine until resolution of the State's Superceding Specification of Charges.

Dated at Montpelier, Vermont this 6th day of April, 2004.

**WILLIAM SORRELL
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BY**



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